IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1319 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DIRECTOR - CIVIL AVIATION

Versus

HEIRS & L.R. OF DECD. BECHARBHAI RAVABHAI BHARWAD

Appearance:

1. Civil Revision Application No. 1319 of 2001

MR SV RAJU for Petitioner No. 1

..... for Respondent No. 1

RULE SERVED for Respondents No. 1/1-1/4

MR RM CHAUHAN GOVERNMENT PLEADER for Respondents No. 2-4

MR MUKESH R SHAH for Respondent No. 5

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 06/12/2001

ORAL JUDGEMENT

#. Heard learned advocate Mr.Chetan Pandya for learned

advocate Mr.S.V.Raju, for the petitioner and learned advocate Mr.S.R.Patel for respondent Nos.1/1 to 1/4, learned AGP Mr.R.M. Chauhan for respondent Nos.2 to 4 and learned advocate Mr.M.R.Shah, for the respondent No.5.

#. This Revision is directed against an order passed by the learned 7th Jt.Civil Judge (S.D.) Vadodara on 31.8.2001 below application Ex.230 in Regular Civil Suit No.556/1993 and order passed by learned 5th Jt.Civil Judge (S.D.) Vadodara in the same suit on 3.10.2001 below Ex.237. Short fact goes to suggest that some documents Mark 96/3, 96/4 and 96/5 came to be produced by the defendant in the deposition of defendant No.5, exhibiting of these documents on record was objected by the plaintiff side who are respondents herein. The learned Judge passed an order that whether to exhibit these 3 documents could be heard at the final stage and, hence, on behalf of original defendant No.5 who is applicant herein preferred an application Ex.230 to the effect that the said documents be exhibited and admitted in evidence. However, inadvertently instead of describing the document as Mark 96/3, 96/4 and 96/5 original defendant No.5 described the documents as exhibit 93/3, 93/4 and 93/5. The learned Judge dismissed the application of defendant no.5 - applicant herein Ex.230 on the ground that the exhibit mark of the documents are not correctly mentioned in the application Ex.230. Thereafter, an application on behalf of the defendant No.5 was also submitted to the trial Court to correct the numbers of mark documents but the same also came to be dismissed by learned trial Judge while this order dated 3.10.2001 below application Ex.237.

#. Therefore, the issue involved is in respect of admitting the documents Mark 96/3, 96/4 and 96/5 to the record and exhibiting the same. This Revision is, therefore, directed by the original defendant No.5 against the above said both the orders of the trial Judge rejecting both the applications of defendant No.5 on the ground that the exhibit mark of the documents were not correctly mentioned by the defendant no.5 in his application.

#. The dispute is amicably resolved in this Revision because learned advocate for the respondents herein expresses their no objection if the documents Mark 96/3, 96/4 and 96/5 are exhibited and admitted to the record.

#. In this view of the matter, this Revision Application is required to be allowed after setting aside both the

orders of the trial Court below Ex.237 and below Ex.230. The trial Court is directed to exhibit documents Mark 96/3, 96/4 and 96/5 and admit the same to the record of the case.

#. At the same time very dismal state of affairs is noticed to the extent that there is a fragrant violation at the hand of the trial Court of the orders of this High Court. The Civil Suit No.556/1993 was directed by this Court to be expedited and to be disposed of within specified period. It appears that extension was sought to extend the time for disposal of the above said Suit No.556/1993. It appears that the last extension was sought by Misc. Civil Application No.2115/2000 in Civil Revision Application No.216/2000 and by order dated 20.12.2000 this Court was pleased to extend 3 months for the disposal of the Regular Civil Suit No.556/1993 from the date of the order. However, it clearly appears that the said time limit has expired long back in March, 2001 and as reported the Civil Suit No,.556/1993 is still pending on the file of the trial Court. While the orders and directions are issued to the trial Court for expeditious disposal of the matter within specified time, it becomes a pious duty of the trial Court to see that the matters are disposed of within that specified period or extended period. Irrespective of the contempt of the orders of this Court the trial Courts are constitutionally bound to obey and to carry out the orders of this Court. Suffice it to say that the feeling of this Court will be appreciated by the trial Court and the orders of this Court will be executed.

#. In this view of the matter, the Revision Application is allowed. Both the orders impugned are set aside. The trial Judge is directed to exhibit the documents Mark 96/3, 96/4 and 96/5 and admit the same to the record. The trial Court is further directed to expedite the disposal of Regular Civil Suit No.556/1993 within 2 months from today. Office is directed to transmit writ to the trial Court as expeditiously as possible. The learned District Judge concerned is also directed to impress upon the trial Court to see that the suit is disposed of within the time specified and report the progress and disposal of the suit to this Court. Rule is made absolute to that extent. D.S. is permitted.

(J. R. VORA, J.)

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